DOCUMENT RESUME

ED 292 026 CG 020 633

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TITLE Background on Wisconsin's Prison and Community Corrections System. Staff Brief 86-4.
INSTITUTION Wisconsin State Legislative Council, Madison.
PUB DATE 10 Jul 86
NOTE 50p.; Portions of appendices contain small print.
PUB TYPE Legal/Legislative/Regulatory Materials (090) -- Reports - General (140) -- Reference Materials - Directories/Catalogs (132)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Administration; Adults; *Correctional Institutions; Correctional Rehabilitation; Criminals; *Prisoners; *Sentencing
IDENTIFIERS *Parole; *Probation (Criminal Justice); Wisconsin

ABSTRACT

This report was prepared for the Wisconsin State Legislative Council's Special Committee on Community Corrections Issues. It provides background information on the Wisconsin prison system for adults and the Wisconsin community corrections system for adults. Part I examines the prison system, focusing on administration of the system, sentencing procedures, inmate assessment and evaluation, and parole determination. Presentence investigations, sentencing guidelines and scoring, incarceration, and probation are discussed in the section on sentencing procedures. The section on parole determination describes discretionary parole, special action release and extra special action release, and mandatory release. Part II looks at the community corrections system. It presents information on administration of the system, probation and parole classification, case management classification, supervision of probationers and parolees, programs and services for female offenders, revocation of probation and parole, and the use of county jails. Five appendices include relevant sections of the Wisconsin Administrative Code, an organizational chart of the prison and correction systems, a client risk, classification form, and a directory of resources for women offenders in Wisconsin organized by region and county. (NB)

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BACKGROUND ON WISCONSIN'S PRISON AND COMMUNITY CORRECTIONS SYSTEM

STAFF BRIEF 86-4

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TABLE OF CONTENTS

Page

PREFACE 1

PART I - THE PRISON SYSTEM 3

A. Administration of the Prison System 3

B. Sentencing Process 6

1. Presentence Investigations 6
2. Sentencing Guidelines and Scoring 6
3. Incarceration 7
4. Probation 8

C. Inmate Assessment and Evaluation 10

D. Parole Determination 12

1. Discretionary Parole 12
2. Special Action Release and Extra Special Action Release 14
3. Mandatory Release 15

PART II - THE COMMUNITY CORRECTIONS SYSTEM 17

A. Administration of the Community Corrections System 17

B. Probation and Parole Case Classification 18

C. Case Management Classification 22

D. Supervision of Probationers and Parolees 23

E. Programs and Services for Female Offenders 27

F. Revocation of Probation and Parole 28

G. Use of County Jails 30

APPENDIX A - ORGANIZATIONAL CHART OF PRISON SYSTEM AND CORRECTION SYSTEM FUNCTIONS 31

APPENDIX B - SECTION HSS 302.14, WISCONSIN ADMINISTRATIVE CODE (CRITERIA FOR SECURITY CLASSIFICATION) 33

TABLE OF CONTENTS (continued)

	Page
APPENDIX C - SECTION HSS 30.05, WISCONSIN ADMINISTRATIVE CODE (CRITERIA FOR A GRANT OF PAROLE BY THE PAROLE BOARD)	35
APPENDIX D - RISK SCALE AND NEED SCALE FOR CLASSIFYING PROBATIONERS AND PAROLEES	37
APPENDIX E - DIRECTORY OF RESOURCES FOR WOMEN OFFENDERS	39

Wisconsin Legislative Council Staff — Madison, Wisconsin

Special Committee on Community Corrections Issues — July 10, 1986

STAFF BRIEF 86-4*

BACKGROUND ON WISCONSIN'S PRISON AND COMMUNITY CORRECTIONS SYSTEM

PREFACE

This Staff Brief was prepared for the Legislative Council's Special Committee on Community Corrections Issues. The Committee was established by the Legislative Council, pursuant to an April 10, 1986 letter from Representative Dismas Becker.

The Special Committee is directed to examine community corrections issues, including: (a) the role and effectiveness of probation and parole services in protecting the community, enforcing court-ordered restitution to victims and providing programs for the rehabilitation of offenders, with special emphasis on programs for female offenders; (b) the use of county jails in community corrections programs; and (c) the laws relating to presentence investigations and the use of these investigations by courts and correctional personnel.

This Staff Brief provides background information on the Wisconsin prison system for adults and the Wisconsin community corrections system for adults. Both the prison system and the community corrections system are operated by the Division of Corrections within the Department of Health and Social Services. Within the Division of Corrections, the Bureau of Adult Institutions is responsible for the operation of the adult correctional institutions and centers and the Bureau of Community Corrections (BCC) is responsible for correctional halfway houses and supervision of persons on probation and parole.

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*This Staff Brief was prepared by Anne Bogar, Science Analyst, and Pam Shannon, Staff Attorney, Legislative Council Staff.

PART I

THE PRISON SYSTEM

A. ADMINISTRATION OF THE PRISON SYSTEM

Within the Department of Health and Social Services (DHSS), all but one of the facilities within the prison system are administered by the Bureau of Adult Institutions (BAI) within the Division of Corrections (DOC). One prison, the Wisconsin Resource Center, provides specialized programs for inmates with mental needs that cannot be adequately met in the DOC institutions; the Center is administered by the DHSS's Division of Care and Treatment Facilities. [See the organizational chart of DHSS in Appendix A.]

The prison facilities fall into three categories: (1) correctional institutions; (2) correctional centers; and (3) state-local shared correctional facilities. Correctional institutions provide secure detention for inmates at a range of security levels (minimum, medium and maximum). Correctional centers include only minimum security facilities.* State-local shared facilities are authorized in s. 46.053, Stats., but no such facilities have been built.

Within the prison system, there are presently in operation 10 correctional institutions, nine for males, one for females, including the Wisconsin Resource Center for inmates with mental needs. Two new facilities were authorized in 1985 Wisconsin Act 29 (the Biennial Budget Act): (1) the proposed Menomonee Valley Correctional Institution in Milwaukee, which is currently the subject of a DHSS contested case on the proposed facility's environmental impact statement; and (2) the Oshkosh Correctional Institution in Oshkosh, which will be receiving inmates in the Fall of 1986.

Table 1, below, Correctional Institutions for Adults, and Table 2, below, Correctional Centers for Adults, show the name, location, rated bed capacity and population on June 6, 1986, for the facilities in each category. Table 1 also shows the security level of each correctional institution.

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*Prior to July 1, 1985, these facilities included "community corrections residential centers" operated by the BCC, "correctional camps" operated by the BAI and the Drug Abuse Correctional Center operated by the Bureau of Program Resources; all are now called "correctional centers" and are centralized under the BAI.

Based on the population data for June 6, 1986 shown in Table 1, the minimum security correctional institutions for adult males are operating with resident populations only 8.6% over their combined rated bed capacity of 403 residents. However, the medium and maximum security correctional institutions for adult males are operating with resident populations 26.8% over and 31.3% over, respectively, their combined rated bed capacity of 951 residents and 1,950 residents, respectively. Overall, the correctional institutions for male adults are operating with resident populations 27.2% over their combined rated bed capacity of 3,304 residents. The only correctional institution for adult females is currently operating with a resident population 80% over its rated bed capacity of 126 residents.

Based on the population data for June 6, 1986 shown in Table 2, the correctional centers for adults in the Northern Sector are operating with resident populations 19.5% over their combined rated bed capacity of 476 residents. Those in the Southern Sector are operating with resident populations 2.8% over their combined rated bed capacity of 226 residents. Overall, the correctional centers (Northern and Southern Sectors) for adults are operating with resident populations 14% over their combined rated bed capacity of 702 residents.

TABLE 1

CORRECTIONAL INSTITUTIONS FOR ADULTS 1/ 2/

NAME	LOCATION	SECURITY LEVEL	RATED BED CAPACITY 3/	POPULATION ON JUNE 6, 1986
Waupun	Waupun	Maximum	849	1,081
Dodge	Waupun	Maximum	309	583
Wisconsin Resource Center 4/	Winnebago	Maximum	160	164
Green Bay	Green Bay	Maximum	594	835
Columbia	Portage	Maximum	57	57
Fox Lake	Fox Lake	Medium	578	721
Kettle Moraine	Plymouth	Medium	375	485
Oakhill	Oregon	Minimum	321	348
Waupun (Bunkhouse)	Waupun	Minimum	82	98
Taycheedah 5/	Taycheedah	Minimum, Medium and Maximum	126	227
TOTAL			3,430	4,431

1/ In addition to housing inmates at these correctional institutions, the Division of Corrections, DHSS, currently contracts with the state of Minnesota and the Milwaukee County House of Correction for a total of 109 beds.

2/ In addition to the 10 institutions shown in the Table, a Wanaxonee Valley Correctional Institution and Oshkosh Correctional Institution are authorized but not yet available to house inmates.

3/ "Rated Bed Capacity" means the number of persons the facility was designed and built to house at any one time.

4/ This institution, administered by the Division of Care and Treatment Facilities, DHSS, provides specialized mental health services and programs for inmates.

5/ The only female offender institution in the prison system.

SOURCE: Offenders Under Institution Supervision Report, DOC weekly tally # DOC-383, June 6, 1986.

TABLE 2

CORRECTIONAL CENTERS FOR ADULTS 1/

NAME	LOCATION	RATED BED CAPACITY 2/	POPULATION ON JUNE 6, 1986
Northern Sector			
Gordon Center	Gordon	52	58
Black River Center	Black River Falls	50	62
McNaughton Center	Lake Tomahawk	55	80
Sanger B. Powers Center	Oneida	60	68
Winnebago Center	Winnebago	60	67
Flambeau Center	Hawkins	50	63
St. Croix Center	New Richmond	24	26
Drug Abuse Correctional Center	Winnebago	125	143
Subtotal		476	568
Southern Sector			
Oregon Center	Oregon	78	75
Thompson Center	Deerfield	32	35
Sherrer Center	Milwaukee	32	35
Abode Center	Milwaukee	30	35
St. John's Center	Milwaukee	30	30
Women's Community Correctional Center 3/	Milwaukee	24	22
Subtotal		226	232
TOTALS		702	800

1/ All Centers are minimum security institutions.

2/ "Rated Bed Capacity" means the number of persons the facility was designed and built to house at any one time.

3/ The DOC also contracts with the Ferris Center in Madison for 10-15 beds for female offenders.

SOURCE: Offenders Under Institution Supervision Report, DOC weekly tally # DOC-302, June 6, 1986.

B. SENTENCING PROCESS

This section of the Brief describes the process by which offenders are sentenced to serve time in the prison system. This section covers: (1) presentence investigations; (2) sentencing guidelines and scoring; (3) incarceration; and (4) probation.

1. Presentence Investigations

After conviction and prior to sentencing, the court has the discretion to order a presentence investigation (PSI) [s. 972.15, Stats.]. A PSI, if ordered by a court, is conducted by a probation and parole agent in the BCC within the DOC of DHSS. That Bureau's Probation and Parole Operations Manual describes the contents of investigations conducted by agents as follows:

> The investigation is a careful study of how the individual's personal endowments, environmental factors and behavior patterns have interacted to produce the present situation [that resulted in conviction or commitment].

The court is required to disclose the contents of the PSI report to the defendant's attorney. When the defendant is not represented by an attorney, the contents are disclosed to the defendant. However, the judge is given the authority to conceal the identity of any person who provided information in the PSI report. Following sentencing, unless otherwise ordered by the court, the PSI report remains confidential and may not be made available to any person except upon specific authorization of the court [s. 972.15, Stats.].

2. Sentencing Guidelines and Scoring

In sentencing an adult convicted of a crime, the court has the discretion, depending on the crime, to require incarceration, probation, a fine or some combination of these. Where applicable, the court is required to take sentencing guidelines into consideration [s. 973.012, Stats.]. Sentencing guidelines and scoring sheets (discussed below) are developed for felony offenses by the Sentencing Commission which is attached to the Department of Administration [ss. 15.101 (18), 15.105 (17) and 973.01, Stats.]. To date, sentencing guidelines and scoring sheets have been established for eight felony offenses: armed robbery, unarmed robbery, burglary, first-degree sexual assault, second-degree sexual assault, forgery, theft and the Uniform Drug Code violations.

In determining the sentence for a given offender, the court uses a scoring sheet, prepared by the Sentencing Commission. There is a different scoring sheet for each of the eight offenses. Each scoring sheet contains a procedure for assigning points related to the offender's prior record and the severity of the offense. The points are used to calculate a recommended range (in months) in the length and type of sentence (i.e., incarceration or probation) for the offender. Use of this scoring system permits recommended sentences to be individualized within the sentencing guidelines.

The scoring sheets are prepared as follows:

a. If the court orders a PSI, the probation and parole agent prepares the scoring sheet when he or she prepares the PSI and submits it, with the PSI, to the sentencing judge.

b. If the court does not order a PSI, the prosecutor and defense counsel each complete a scoring sheet and submit the sheets to the sentencing judge at the beginning of the sentencing hearing. The sentencing judge reviews the scoring sheets for accuracy and resolves any dispute between the prosecutor and the defense counsel.

In sentencing an offender convicted of any of the eight felony offenses for which sentencing guidelines and scoring sheets have been established, the court is required to take the sentencing guidelines "into consideration." The court is not obligated to impose a sentence in accordance with the guidelines; but the court is required to state on the record its reasons for any deviation from the guidelines. There is no right to appeal on the basis of a sentencing court's decision to impose a sentence that does not fall within the sentencing guidelines [s. 973.012, Stats.].

3. Incarceration

In sentencing an adult convicted of a crime, the court may require incarceration. If a statute authorizes imprisonment for violation of a law, but does not prescribe the place of imprisonment, that place shall be as follows:

a. A sentence of less than one year shall be to the county jail;

b. A sentence of more than one year shall be to the Wisconsin state prisons and the minimum under the indeterminate sentence law shall be one year; and

> c. A sentence of one year may be to either the Wisconsin state prisons or the county jail [s. 973.02, Stats.; emphasis added].

Under s. 973.013 (1) (a), if a court orders imprisonment in the Wisconsin state prisons for a term of years, the "court may fix a term less than the [statutorily] prescribed maximum," except for those crimes which carry a mandatory life sentence. The term set by the court is indeterminate, since the prisoner may be released on parole earlier than the date for release set by the court. To the extent that the sentencing guidelines are followed by courts, the type and length of sentences for offenses with sentencing guidelines are expected to become more predictable.

If a person was under the age of 21 at the time of the commission of a crime, and if the maximum penalty for the offense is imprisonment for one year or less in the county jail, a court is given the discretion to order at the time of sentencing that the record be expunged upon successful completion of the sentence "...if the court determines the person will benefit and society will not be harmed by this disposition." A person is considered to have achieved "successful completion of the sentence," if the person is not convicted of a subsequent offense or, if the person is on probation, the probation has not been revoked [s. 973.015, Stats.].

4. Probation

In sentencing a convicted adult, a court may impose probation. Under s. 973.09 (1), Stats., probation may be used for any crime except first-degree murder or where otherwise specifically prohibited.

The term of probation for misdemeanor convictions varies. The term of probation for less than two misdemeanor convictions at the same time is not less than six months nor more than two years. If the probationer is convicted of not less than two nor more than four misdemeanors at the same time, the maximum original term of probation may be increased by one year. For five or more misdemeanor convictions at the same time, the maximum original term of probation may be increased by two years [s. 973.09 (2) (a), Stats.].

The term of probation for felony convictions is not less than one year nor more than the statutory maximum term of imprisonment for the crime or three years, whichever is greater. However, if the probationer is simultaneously convicted of two or more crimes, including at least one felony, the maximum original term of probation may be increased by one year for each felony conviction [s. 973.09 (2) (b), Stats.].

Probation is granted by a court by either withholding a sentence or imposing a sentence and staying its execution. The person is then placed on probation under the supervision of DHSS and is subject to any "reasonable and appropriate" conditions imposed by the court. Whether a sentence is withheld, or imposed and stayed, has an effect on the role of the court following revocation of probation. [Revocation is discussed in Part II, Section F, of this Brief.]

If a court orders probation, it is required to order the probationer to pay restitution "to compensate the victim's pecuniary loss resulting from the crime to the extent possible," unless the court finds that there is "substantial reason" not to order restitution as a condition of probation [s. 973.09 (1) (b), Stats.]. If restitution is not required, the court must state its reasons on the record. In determining the amount and method of payment of restitution, the court is required to consider "the financial resources and future ability of the probationer to pay" [s. 973.09 (1m), Stats.].

The court may also require as a condition of probation that the probationer perform community service work for a public agency or a nonprofit charitable organization [s. 973.09 (7m) (a), Stats., as affected by 1985 Wisconsin Act 150]. The number of hours of work must be "reasonable" and both the probationer and the organization or agency must agree to the order. If the court requires community service work and confinement in a Huber facility or county jail, the period of confinement may be somewhat reduced for work performed.

The statutes give the court the option of imposing probation, but do not list criteria to be used in determining when probation is appropriate. However, in Bastian v. State, 54 Wis. 2d 240 (1972), the Wisconsin Supreme Court specifically adopted a standard of the American Bar Association regarding criteria for granting probation.

In Bastian, the defendant was convicted of indecent behavior with a child. Following a 60-day observation, the DHSS recommended that he receive probation, citing the fact that this was his first offense and that he was married and had a job. However, the judge imposed an indeterminate sentence of up to seven years, citing the seriousness of the offense and the need to protect society. In upholding the judge's determination, the Supreme Court held that there was no abuse of judicial discretion and that the judge had applied legitimate criteria in not granting probation. The Court went on to specifically adopt Standard 1.3 of the American Bar Association's Standards Relating to Probation (approved draft, 1970, page 30). The standard on criteria for granting probation states, as follows:

(a) The probation decision should not turn upon generalizations about types of offenses or the existence of a prior criminal record, but should be rooted in the facts and circumstances of each case. The court should consider the nature and circumstances of the crime, the history and character of the offender, and available institutional and community resources. Probation should be the sentence unless the sentencing court finds that:

(i) confinement is necessary to protect the public from further criminal activity by the offender; or

(ii) the offender is in need of correctional treatment which can most effectively be provided if he is confined; or

(iii) it would unduly depreciate the seriousness of the offense if a sentence of probation were imposed.

(b) Whether the defendant pleads guilty, pleads not guilty or intends to appeal is not relevant to the issue of whether probation is an appropriate sentence.

In determining whether to impose probation, the weight given to the various factors (the gravity of the offense, the character of the offender and the need to protect the public) is up to the discretion of the sentencing court [Anderson v. State, 76 Wis. 2d 361 (1977)].

C. INMATE ASSESSMENT AND EVALUATION

Administrative rules of DHSS require that every person sentenced to a prison shall participate in the Assessment and Evaluation (A & E) process [ch. HSS 302, Wis. Adm. Code]. For offenders sentenced to imprisonment in the prison system, males are sent to the Dodge Correctional Institution and females are sent to the Taycheedah Correctional Institution. Each of these institutions has a director of A & E and an A & E Committee which advises the director of the A & E process. Members of the A & E Committee include representatives of the A & E director, the prison staff, the Parole Board and, at Taycheedah, the superintendent or his or her designee.

The A & E process must be completed within six weeks after the arrival of the person at the prison. The A & E process consists of an

orientation program, a security classification, an assignment to an institution and the offer of a vocational, job, school or program assignment, consistent with existing resources.

Institution staff at Dodge and Taycheedah are responsible for the inmate orientation. The A & E director is responsible for the security classification, institutional assignment and vocational, job, school or program assignment. The administrative rules set forth the components and purposes of the A & E process as follows:

1. A comprehensive assessment of the offender's social background, sentence structure, academic and vocational achievements;

2. A long-term and short-term evaluation of the academic, vocational, medical, social, treatment and security needs of the offender;

3. An orientation to the program resources of the DOC;

4. The motivation of the offender to become constructively involved in the correctional process;

5. The social reintegration of the offender through the formulation of an individualized plan to aid the newly-confined resident to utilize resources effectively, to develop socially acceptable life goals and to permit the DOC to make efficient use of available resources; and

6. The protection of the public through planning for appropriate correctional treatment and supervision.

With the advice of the A & E Committee, the directors of A & E at Dodge and Taycheedah Correctional Institutions recommend for each offender: (1) a security classification; (2) an assignment to a job, school, vocational or other program; and (3) an institution assignment. The recommendation is made to the classification chief in the Madison office of the DOC at the end of the A & E process. The classification chief then determines the security classification, program assignment and institution assignment for each offender.

The criteria used in determining the security classification for an offender are set forth in the administrative rules. A copy of those criteria is contained in Appendix B. After receiving a security classification, the offender is either kept at Dodge or Taycheedah Correctional Institutions or transferred to another correctional institution or center. An offender may be assigned to an institution with a higher security classification than his or her own classification, but may not be assigned to one with a lower security classification. For example, a maximum security prison contains persons at all security

levels, but a minimum security prison only contains persons classified as minimum security.

The A & E directors are required to set the time for a review of the security classification, program assignment and institution assignment for each offender. This date may not be more than six months from the date of the initial classification and assignment. The review is to be conducted by a Program Review Committee (PRC), of which there is one in each correctional institution and correctional center.

At a correctional institution, the PRC consists of four members: a high-ranking member of the institution's security staff; a member of the institution's social services staff; a program review coordinator; and a guidance counselor. At a correctional center, the PRC consists of three members from among the following: three social services specialists or supervisors; a member of the security staff; a social worker; and the correctional center's superintendent.

The criteria to be used by the PRC in determining security classification or program assignment changes are those criteria which were used by the A & E Committee in initially determining security classification and program assignment.

D. PAROLE DETERMINATION

An inmate in the Wisconsin prison system may be released on parole prior to the expiration of the maximum sentence imposed by the court: (1) by the Parole Board; (2) by the Secretary of DHSS under the Special Action Release (SAR) program or Extra Special Action Release program; or (3) by mandatory release. Offenders on parole are released under the supervision of a DHSS probation and parole agent.

1. Discretionary Parole

Under the statutes, the Secretary is responsible for making the final parole decision. However, in practice, the Secretary has delegated the final parole decision to the chairperson of the Parole Board. The Parole Board is attached to the Office of the Secretary of DHSS. It consists of the chairperson, appointed by the Secretary of DHSS outside the classified service, and six classified DHSS employes hired in the classified service.

The time at which an offender is eligible for discretionary parole is set forth in the Wisconsin statutes [s. 57.06 (1) and (1m), Stats.]. In general, the time of eligibility is determined by:

a. Whether the crime was committed before or after November 3, 1983 (the effective date of 1983 Wisconsin Act 64, which amended the parole eligibility law) [s. 57.06 (1), Stats.]; and

b. Whether the offender is serving a life sentence or a lesser sentence. [The offenses of the first-degree murder, taking hostages and treason carry mandatory life sentences, ss. 940.01, 940.305 and 946.01, Stats., respectively.]

An inmate who is not serving a life sentence and who committed a crime prior to November 3, 1983 is eligible for parole after serving 50% of the minimum term prescribed by statute for that offense. A minimum of 60 days must be served in the institution to which sentenced before parole eligibility is attained. An inmate who is not serving a life sentence and who committed a crime on or after November 3, 1983 is eligible for parole after serving 25% of the sentence imposed for the offense or six months, whichever is greater.

The Secretary of DHSS may waive the 25% service of sentence requirement for an inmate, upon the recommendation of the Parole Board. The Parole Board may recommend a waiver of the requirement only if it determines that "extraordinary circumstances" warrant an early release and if the inmate's sentencing court has been notified and permitted to comment on the proposed recommendation [s. 57.06 (1m), Stats.].

An inmate serving a life sentence for a crime committed prior to November 3, 1983 is eligible for parole after serving 20 years less the deduction earned for good conduct. An inmate serving a life sentence for a crime committed on or after November 3, 1983 is eligible for parole after serving 20 years as modified by eligibility date extensions for misconduct in prison and deductions for time served prior to sentencing and good conduct.

Unless parole eligibility is waived in writing by the inmate, approximately one month prior to the offender's date of eligibility for parole, one or more members of the Parole Board are assigned by the Board chairperson to interview the offender. The interview takes place at the prison or a facility designated by the Parole Board and is an information proceeding. No attorney or other person is permitted to appear at a parole interview in support of or in opposition to any application for parole. However, interested citizens and attorneys may present their views regarding the parole application by letter to the Parole Board Office in Madison. Each parole interview is tape recorded.

Following the parole interview, the assigned Board members may: (1) deny parole (a final decision); (2) recommend to the Board chairperson that the offender be granted parole (with or without special conditions);

or (3) refer the case to the entire Parole Board. Only the Board chairperson may make the final decision to grant parole. The assigned Board members or the Parole Board may only recommend that parole be granted.

If the assigned Board members deny parole, they, in effect, assign the offender a new parole eligibility date. Subsequent parole consideration for an offender denied parole may not be deferred longer than 12 months, except with the written approval of the DHSS Secretary or designee or the Board chairperson.

The criteria to be used by the Parole Board or its assigned members in determining whether to recommend parole for an offender are contained in s. HSS 30.05 (7), Wis. Adm. Code. A copy of these criteria is contained in Appendix C.

2. Special Action Release and Extra Special Action Release

In June, 1981, the DOC implemented the SAR program to reduce overcrowding in Wisconsin adult correctional institutions. Under the program, the Secretary of DHSS may authorize, by administrative order, the release of selected inmates from among those who have been denied parole by the Parole Board. These inmates may be released to parole supervision up to 135 days before their mandatory release date. Inmates released under the SAR program receive intensive supervision from DOC probation and parole agents.

To be eligible for SAR, an inmate must meet the following criteria, set forth in the DOC's Probation and Parole Operations Manual [s. 3.03.01-05]:

a. The inmate is not serving a prison term for certain assaultive offenses;

b. The inmate has been out of disciplinary segregation for three months prior to the SAR date;

c. The inmate is free of major conduct reports for three months prior to the SAR date;

d. The inmate has served a minimum of six months from the effective date of a probation or parole revocation; and

e. The inmate has not been released on a previous SAR during the course of the same sentence.

In January 1986, the DOC initiated an Extra Special Action Release program. Under this program, inmates are reviewed for early release four to 12 months (as contrasted to 135 days under SAR) prior to the mandatory release date. As under the SAR program, inmates released under the Extra Special Action Release program receive intensive supervision from DOC probation and parole agents. As of July 1, 1986, 333 inmates have been released under the Extra Special Action Release program. Under this program, the criteria for inmate eligibility include:

a. The inmate is not serving a sentence for a violent offense;

b. The inmate is eligible for parole (i.e., has served 25% of the sentence or six months, whichever applies at the time of early release); and

c. The inmate has an acceptable parole plan.

The goal of the Extra Special Action Release program is to achieve the release of 350 to 400 inmates by the end of July 1986 to reduce institution overcrowding.

3. Mandatory Release

Except for inmates serving a life term and for parole violators, inmates are entitled to mandatory release on parole without Parole Board or SAR action. Under s. 53.11, Stats., the mandatory release date is established at 2/3rds of the original sentence. However, the mandatory release date may be extended for prison misconduct, as follows: 10 days for the first offense, 20 days for the second offense and 40 days for the third or each subsequent offense [s. 53.11 (2), Stats.].

An inmate released on mandatory release is on parole and under the supervision of a probation and parole agent for: (a) the remainder of his or her sentence; or (b) until the DHSS has discharged a parolee on or after his or her mandatory release date or after two years of supervision [s. 53.11 (6), Stats.].

PART II

THE COMMUNITY CORRECTIONS SYSTEM

A. ADMINISTRATION OF THE COMMUNITY CORRECTIONS SYSTEM

Within the Division of Corrections (DOC), the Bureau of Community Corrections (BCC) is responsible for the supervision of offenders on probation and parole and for the oversight of correctional halfway houses in which a number of probationers and parolees reside. [See the organizational chart of DHSS in Appendix A.] The functions of the BCC are summarized in the BCC Probation and Parole Operations Manual as follows:

> The Division of Corrections, Bureau of Community Corrections is responsible for the enforcement of sanctions upon offenders to control criminal behavior and provides services to sustain lawful self-dependence so public safety and the conservation of human resources may be realized to the fullest. The Bureau supervises the movement and restricts the freedom of clients to the extent necessary to assure public, staff, and offender safety. It provides community-based programs and residential facilities for all offenders who demonstrate readiness to assume additional responsibilities and freedom and for whom a transitional experience is deemed appropriate. The Bureau provides the courts with accurate investigations and sound recommendations as part of the sentencing process.

The DOC currently has responsibility for approximately 30,300 adult offenders. Of this number, approximately 24,800 adult offenders are in the community, under the supervision of the BCC, at a daily cost of about $3 per offender. Approximately 5,500 adult offenders are incarcerated in prison under the management of the Bureau of Adult Institutions (BAI) at a daily cost of about $50 per inmate.

For administrative purposes, the BCC has six regional headquarters around the state, each headed by a regional chief. The six regions, with their geographic designations and headquarter cities, are as follows:

Region I - Southern Region, Madison.

Region II - Southeastern Region, Waukesha.

Region III - Milwaukee Region, Milwaukee.

Region IV - Eastern Region, Green Bay.

Region V - Western Region, Eau Claire.

Region VI - Northern Region, Rhinelander.

B. PROBATION AND PAROLE CASE CLASSIFICATION

After being placed on probation or released on parole, a probationer or parolee is placed under the supervision of an agent of the BCC. There are approximately 420 probation and parole agents assigned to the various regional offices statewide. Table 3, below, shows the average daily population of probationers and parolees under the supervision of these agents.

TABLE 3

NUMBER OF ADULT PROBATIONERS AND PAROLEES, AVERAGE DAILY POPULATION, CALENDAR YEARS 1981 TO 1985

Calendar Year	AVERAGE DAILY POPULATION	
	Adult Probationers	Adult Parolees
1981	16,537	2,468
1982	18,088	2,710
1983	18,139	2,913
1984	19,243	3,169
1985	19,880	3,167

SOURCE: 1985 Calendar Year Summary of Population Movement, Statistical Bulletin C-608, DHSS, May 1986.

Chapter HSS 328, Wis. Adm. Code, governs the activities of probation and parole agents in providing field supervision to probationers and parolees. Section HSS 328.04 (1), Wis. Adm. Code, describes probation and parole supervision as "a mechanism of control and an attempt to guide offenders into socially appropriate ways of living." The rule directs field staff to "attempt to help the client be successfully reassimilated into the community, help the client adjust to and cope with community living, reduce crime and protect the public."

Within the first 30 days of field supervision, the probation and parole agent undertakes a "case classification" of the offender to determine the level of supervision and assistance required by that offender. The level of supervision and assistance required by an offender in turn determines the minimum amount of time the agent will be required to spend supervising the offender.

The case classification of a probationer or parolee is based on the scoring on a risk scale and a need scale prepared by the DOC. The probation and parole agent completes the risk scale and the need scale for each probationer or parolee he or she supervises. The purpose of the risk scale is to assess the person's propensity for further criminal behavior. The purpose of the need scale is to assess services needs of the probationer or parolee. The two scales are set forth in Appendix D of this Brief.

The categories used in the risk scale and the maximum number of points for each category are set forth below. [For parolees, the first four categories are applied to the period prior to incarceration.]

1. Number of address changes in last 12 months (maximum points: 3).

2. Percentage of time employed in last 12 months (maximum points: 2).

3. Alcohol usage problems (maximum points: 4).

4. Other drug usage problems (maximum points: 2).

5. Attitude (maximum points: 5).

6. Age at first conviction (maximum points: 4).

7. Number of prior periods of probation/parole supervision (maximum points: 4).

8. Number of prior probation/parole revocations (maximum points: 4).

9. Number of prior felony convictions (maximum points: 4).

10. Convictions or juvenile adjudications for burglary, theft, auto theft, robbery, worthless checks or forgery (maximum points for burglary, theft, auto theft or robbery: 2; maximum points for worthless checks or forgery: 3).

11. Conviction or juvenile adjudication for assaultive offense within last five years (maximum points: 15).

Within each of the risk scale categories, different point values are established. For example, in the first category (number of address changes in last 12 months), if the offender did not move at all within that time period, the score is zero points; if the offender moved once, the score is 2 points; and for two or more moves, the score is 3 points.

The categories used in the need scale and the maximum number of points for each category are as follows:

1. Academic/vocational skills (maximum points: 4).

2. Employment (maximum points: 6)

3. Financial management (maximum points: 5).

4. Marital/family relationships (maximum points: 5).

5. Companions (maximum points: 4).

6. Emotional stability (maximum points: 7).

7. Alcohol usage (maximum points: 6).

8. Other drug usage (maximum points: 5).

9. Mental ability (maximum points: 6).

10. Health (maximum points: 2).

11. Sexual behavior (maximum points: 5).

12. Agent's impression of client's needs (maximum points: 5).

As with the risk scale, within each category, different point values are established. The higher the number of points, the more severe the problem. For example, in the first category (academic/vocational skills), a client with a skill level of high school or above will receive a score

of -1 point; with adequate skills, a score of zero points; with a low skill level, a score of 2 points; and with minimal skill level, a score of 4 points.

The higher the point total on each scale, the higher the level of supervision will be. If an offender is assessed at a different supervision level on the risk scale than on the need scale, he or she will be placed at the supervision level which is the higher of the two. The level of supervision determines the minimum amount of time an agent will spend with a probationer or parolee.

The administrative rules on case classification set forth three levels of supervision: minimum, medium and maximum. The Director of the BCC may modify these supervision levels [s. HSS 328.04 (4) (intro.), Wis. Adm. Code]. The BCC has recently created two additional levels of supervision: administrative, which is less than minimum supervision and is reserved for those persons who are on supervision only because they owe restitution or community service work, or both; and intensive, which is more than maximum supervision and is only for those persons who have been released by order of the DHSS Secretary under the SAR program or the Extra Special Action Release program. The levels of supervision are described below:

1. Maximum level of supervision: Requires at least one face-to-face contact with the client every 14 days and a home visit at least once every 30 days.

2. Medium level of supervision: Requires at least one face-to-face contact with the client every 30 days and a home visit at least once every 60 days.

3. Minimum level of supervision: Requires at least one face-to-face contact with the client every 90 days and home visits are made at the discretion of the agent.

4. Administrative level of supervision: Requires at least one face-to-face contact with the client every six months and home visits are made at the discretion of the agent.

5. Intensive level of supervision: Requires at least one face-to-face contact with the client every seven days. Some of these weekly contacts may be home visits, at the agent's discretion.

If, after completing the classification of a client according to the need and risk scales, the agent concludes that the resulting classification is improper, the agent may "override" the case

classification and assign the client to a higher or lower supervision level, with the written approval of the agent's supervisor.

The BCC Probation and Parole Operations Manual sets forth guidelines an agent must use in overriding a classification resulting from use of the need and risk scales. Generally, the guidelines state that the classification assigned should be the lowest possible level consistent with protection of the community and treatment of the client. The guidelines also state that an override which increases the level of supervision should not be used strictly as punishment for rules violations or as an alternative to revocation.

An example of a situation where an agent might determine that an override is appropriate would be where an important factor concerning the client, such as a history of spousal abuse which never led to a conviction, does not appear on the risk scale but is nonetheless relevant to the client's ability to adjust to life in the community without risk to others.

Each probationer and parolee is reassessed by the agent at six-month intervals. The reassessment need scale is the same as the intake need scale, but the reassessment risk scale is different from the intake risk scale. The risk scale used at intake is based in large part on the criminal history of the offender. The risk scale on reassessment includes categories which reflect the offender's overall adjustment while on probation or parole.

C. CASE MANAGEMENT CLASSIFICATION

During the intake process, in addition to determining a client's case classification, the probation and parole agent may also undertake a client management classification (CMC) to determine the type of supervision which is likely to be most effective for that particular client.

The BCC Probation and Parole Operations Manual states that CMC will be performed for all new probation cases for which a PSI has not been conducted. The CMC is not required where a PSI has been conducted because similar information about a client's background can be gleaned from the PSI report. Also, the CMC is not required for certain categories of clients listed in the Manual including, but not limited to, those who will be on probation for six months or less, clients with significant language problems or cultural differences and those suffering from acute psychosis. Where a CMC is required, the agent's supervisor may permit the agent not to conduct the assessment.

The CMC is conducted as an interview with the client and the agent assesses the client in the following four general categories: (1) the client's attitudes towards a variety of subjects including the current offense, employment, family and emotional issues; (2) the numerical data similar to that on the case classification risk scale, such as age at first offense; (3) the client's behavior during the interview; and (4) the agent's impression of reasons the client gets into trouble with the law.

The client's responses are scored and the total numerical score indicates the type of supervision which is most likely to work for that client. For example, for some clients, the CMC will predict that a highly confrontational, surveillance-oriented style of supervision will be most effective; for other clients, the CMC will indicate that a supportive, instructional style will be most appropriate.

The BCC is currently examining whether to require the use of CMC in more cases, both at the intake stage and in PSI report preparation.

D. SUPERVISION OF PROBATIONERS AND PAROLEES

The supervision of probationers and parolees may take a number of forms. As stated above, part of the job of a probation and parole agent consists of direct, face-to-face contact with the probationer or parolee at certain intervals, depending on the supervision level. The agent may also require written reports from the probationer or parolee detailing his or her activities. Additionally, a major responsibility of the agent is to establish contact with a variety of people and agencies which have some relationship to the client or which may provide services to the client. These contacts may include employers, prospective employers, employment agencies, schools, mental health and social services agencies, relatives, friends, clergy, counselors or other persons or agencies.

The number and types of services available to a probationer or parolee vary considerably among the six BCC regions in the state, depending on what resources are available in the various communities. In 1985-86, the BCC purchased services for adult probationers and parolees from a variety of providers. Out of a total budget of $524,000 for purchase of services expenditures in 1985-86, the BCC entered into contracts totaling $392,837.13 with agencies and individuals. The remaining $131,162.87 was utilized by probation and parole agents to purchase noncontractual services which were deemed necessary for their clients. Such expenditures ranged from client transportation costs to purchase of work tools.

Table 4, below, BCC Purchase of Services Contract Expenditures, 1985-86, gives information on purchase of services contracts entered into by the BCC, by category of service, name of agency, location, service provided and amount of each contract.

TABLE 4

BCC PURCHASE OF SERVICES CONTRACT EXPENDITURES, 1985-86

CATEGORY OF SERVICE	NAME OF AGENCY	LOCATION	SERVICE PROVIDED	AMOUNT OF CONTRACT
1. Community Service Orders	Wisconsin Correctional Services	Milwaukee	Development of community service order placements	$18,600.00
	Voluntary Action Center	Green Bay	Development of community service order placements	$3,850.00
				Subtotal $22,450.00
2. Employment Placement	Voc's House	Madison	Job placement	$12,687.00
	United Migrant Opportunities, Inc.	Milwaukee	Job placement	$30,000.00
				Subtotal $42,687.00
3. Medical Services	City of Kenosha Health Department Laboratory	Kenosha	Urinalysis	$7,488.00
	Milwaukee Comprehensive Community Health	Milwaukee	Physical examinations	$3,000.00
	Bayshore Clinical Laboratory	Milwaukee	Urinalysis	$48,600.00
				Subtotal $59,088.00
4. Non-Professional Counseling	Career Youth Development	Milwaukee	Counseling	$8,780.00
	Wisconsin Correctional Services Volunteer Program	Milwaukee	Counseling	$27,400.00
	Community Advocates	Milwaukee	Counseling	$22,998.50
	Red River Band of Chippewa Indians	Odanah	Counseling	$30,227.12
	Wisconsin Correctional Services Volunteer Program	Waukesha	Counseling	$15,148.00
				Subtotal $94,471.62
5. Professional Counseling	Robert H. Gordon	Janesville	Sex offender counseling	$2,999.00
	Family Service	Madison	Spouse abuser counseling	$10,000.00
	Catholic Social Services	La Crosse	Counseling	$23,400.00
	Charlotte Button	Prairieville	Impulse control counseling	$6,954.01
				Subtotal $43,353.01
6. Residential Services	Kenosha Youth Foundation	Kenosha	Transient housing	$9,776.00
	Salvation Army	Milwaukee	Transient housing	$35,003.50
				Subtotal $44,779.50
7. Transportation	Milwaukee Transport Company	Milwaukee	Transportation	$25,000.00
	Milwaukee County House of Correction	Milwaukee	Transportation	$6,000.00
				Subtotal $31,000.00
8. Vocational Training and Counseling	Opportunities, Inc. of Jefferson County	Jefferson	Vocational training and counseling	$9,500.00
	Renewal Unlimited, Inc.	Baraboo	Vocational training and counseling	$20,000.00
				Subtotal $29,500.00
9. Work Adjustment	Valley Packaging Industries	Appleton	Skill development and job readiness	$25,500.00
				Subtotal $25,500.00
TOTAL COST				TOTAL $392,037.13

SOURCE: Bureau of Community Corrections sheet entitled, Purchase of Services Expenditures - By Category of Service 1985-86.

Detailed information on the purchase of services contracts for 1986-87 is not yet available. However, the BCC has estimated that, out of a total purchase of services budget of $519,000, approximately $200,000 will be spent on employment-related services, including major pilot employment programs in Brown County ($42,000) and Milwaukee County ($35,000).

In addition to purchasing services for probationers and parolees, the BCC has an appropriation for purchasing services from, and supervising the operation of, community-based residential facilities, commonly called correctional halfway houses. One of the conditions of probation or parole may be that the person reside in a halfway house. These halfway houses are licensed and regulated by the DHSS under ch. HSS 3, Wis. Adm. Code. Halfway houses are nonsecure facilities which house a relatively small number of persons who require some type of supervised living arrangement in addition to the field supervision provided by the probation and parole agent.

Table 5, below, Halfway House Contracts for Fiscal Year 1985-86, lists the 13 halfway houses contracted with by BCC in 1985-86 and gives information on the location, total number of beds, total contract amount and daily cost for each.

Halfway houses typically operate at about 85% to 90% of capacity. In 1986-87, the DOC is contracting with all of the halfway houses listed in Table 5, except the Fresh Start, Inc., Halfway House in Sheboygan. The DOC has budgeted $53,000 in 1986-87 for a new halfway house for women offenders in northern Wisconsin. The facility will be located in Stevens Point and will have a rated bed capacity of 10. The DOC plans to obtain space for the facility by January 1, 1987 and to open by March 1, 1987. The estimated cost to operate the facility is $150,000 to $160,000 per year. The Division will be seeking additional funds in its biennial budget request to cover the remainder of the operating costs.

TABLE 5

HALFWAY HOUSE CONTRACTS FOR FISCAL YEAR 1985-86

NAME	LOCATION	TOTAL NUMBER OF BEDS	TOTAL CONTRACT AMOUNT	DAILY COST
1. ANANDA MARGA RESOURCE CENTER 1/	MADISON	10	$167,120.00	$45.79
2. ATTIC HALFWAY HOUSE, INC.	MADISON	10	$170,742.00	$47.43
3. BRIDGE HALFWAY HOUSE (WISCONSIN CORRECTIONAL SERVICES)	MILWAUKEE	11	$162,837.00	$40.53
4. CEPHAS HOUSE (LUTHERAN SOCIAL SERVICES)	WAUKESHA	12	$180,200.00	$41.14
5. FREDERICK DOUGLAS CENTER	MILWAUKEE	15	$200,351.00	$36.59
6. FRESH START, INC.	SHEBOYGAN	9	$97,305.00	$29.65
7. HORIZON HOUSE, INC. 1/	MILWAUKEE	8	$112,090.00	$38.39
8. PORTAGE COUNTY HALFWAY HOUSE	STEVENS POINT	10	$138,422.00	$37.92
9. ROCK VALLEY CORRECTIONAL PROGRAMS	BELOIT	14	$163,933.00	$32.09
10. RYAN COMMUNITY, INC.	APPLETON	12	$170,433.00	$38.81
11. SHALOM CENTER	GREEN BAY	8	$84,684.00	$29.00
12. TRINITEAM, INC.	EAU CLAIRE	10	$95,046.00	$29.93
13. WAZEE HOUSE 2/ (LUTHERAN SOCIAL SERVICES)	LA CROSSE	8	$110,626.00	$47.36
TOTAL		137	$1,853,969.00	$493.73

1/ Serves women.

2/ Serves American Indian men.

SOURCE: Division of Corrections Sheet, entitled "Purchase of Services 1985-86 Halfway House Contracts."

E. PROGRAMS AND SERVICES FOR FEMALE OFFENDERS

In February 1983, the Legislative Council's Special Committee on Correctional Services recommended that the DHSS establish an advisory council on problems of women offenders. The recommendation resulted from concern that women offenders, both in prison and on probation and parole, did not have adequate or appropriate programs and services available to them.

In September 1983, the DHSS Secretary and DOC Administrator appointed an Advisory Council on Women Offenders and charged the Council with identifying the needs and problems of women in the criminal justice system and advising the Department on how to achieve the dual objectives of protecting the public and equipping women sentenced to the Department's custody to succeed in the community.

The Advisory Council issued a report in April 1985 which identified a number of needs of women offenders and made recommendations on a variety of programs and services for women offenders. The Council stressed the need for more specialized training for corrections staff who deal with women offenders, including training on:

1. Perceptions and attitudes toward the woman offender;

2. The context of a woman's criminal activity;

3. The needs of the woman offender and barriers to service delivery; and

4. Resources available to the female offender.

In response to this recommendation, the BCC has added training for probation and parole agents on a variety of women's issues and is considering requiring that agents complete a certain number of hours of training on issues relating to women offenders.

To assist corrections staff in identifying services already available to women offenders in the state, the Council recommended that the DOC develop a directory of community resources available to women offenders. A copy of the directory is contained in Appendix E of this Brief. The directory lists services to women offenders which are provided by BCC staff, by purchase of services by halfway houses or by volunteers whose services are supervised by BCC staff.

F. REVOCATION OF PROBATION AND PAROLE

Violation of a rule or condition of supervision may be grounds for revocation of probation or parole. However, where appropriate, DOC requires probation and parole agents to consider "intermediate steps" as an alternative to recommending revocation. These intermediate steps include:

1. Reviewing the rules of supervision, followed by changes in the rules if desirable;

2. Returning the probationer or parolee to court for sentence modification;

3. Conducting a formal or informal counseling session with the client to re-emphasize the necessity of compliance with the rules or conditions of probation or parole; or

4. A formal or informal warning that further violations may result in a recommendation for revocation [s. 10.01.04, DOC Probation and Parole Operations Manual, DHSS].

If an agent feels that revocation of probation or parole is warranted, the BCC serves a notice of revocation on the probationer or parolee. The notice sets in motion a two-step administrative procedure: (1) a preliminary probable cause hearing; and (2) a final revocation hearing. These procedures are described below.

The first stage of the revocation process is a preliminary hearing to determine: (1) whether there is probable cause to believe that the offender has violated the rules or conditions of probation or parole; and (2) whether the offender should be released or incarcerated pending the final revocation hearing. The preliminary hearing is presided over by a magistrate who was not involved in the decision to seek revocation. The magistrate makes a determination on probable cause and release or incarceration.

A preliminary hearing is not required when:

1. The offender is not being held in custody;

2. It is waived by the offender in writing;

3. The offender has given and signed a written statement which admits the violation;

4. There has been a finding of probable cause in a felony matter and the offender is bound over for trial for the same or similar conduct; or

5. There has been an adjudication of guilt by a court for the same conduct that is alleged to be a violation of supervision.

The second stage of the revocation process is the final revocation hearing, unless the offender waives his or her right to the hearing in writing. This hearing is presided over by a hearing examiner from the Office of Administrative Hearings in DHSS. The order issued by the hearing examiner stands, unless it is appealed to the Secretary of DHSS within 15 days after the decision is mailed to the offender. If it is appealed, the Secretary reviews the order of the hearing examiner and may modify, reverse, sustain or remand the order. Judicial review of a decision to revoke probation or parole is possible through a writ of certiorari to the court.

If a decision is made at the final revocation hearing to revoke parole, the offender will be returned to the prison system. A revoked parolee is entitled to a hearing on loss of credit for good conduct. This hearing is conducted by the DHSS hearing examiner either at the final revocation hearing or at a separate hearing at the institution, if the final revocation hearing was waived.

The process used following a revocation of probation depends on the method used by the court in imposing probation. If the court initially imposed a sentence and stayed its execution, the probationer is immediately incarcerated following revocation to begin serving the sentence which was stayed. If the court initially withheld sentence, the probationer is returned to court for sentencing.

In 1980, the BCC implemented the Alternative to Revocation (ATR) program. The ATR program offers violators of probation or parole, prior to the final revocation hearing, the option of taking a three- or four-month placement in an adult minimum security institution as a substitute for revocation. The objectives of the ATR program are to reduce prison stays for parole and probation violators and to reduce demand for prison space. The probation and parole agents select the violators who are to be offered ATR placement. These violators must have no violent offense history and no new felony conviction related to the violation offense. The selection for ATR placement is subject to review by BCC supervisory personnel and the staff of the DOC institution to which the ATR placement is made. Participation in the ATR program is voluntary. The violator must agree to the alternative placement and waive the final revocation hearing.

G. USE OF COUNTY JAILS

Offenders under DOC community supervision (i.e., on probation or parole) are likely to spend some period of time in county jails. The time served in a county jail may be for: (1) pretrial detention; (2) a condition of probation; or (3) pending revocation of parole or probation. The average stay in a county jail for a DOC client is 3-1/2 to 4 days.

While in a county jail, a DOC client is under the supervision of the county sheriff. The county is responsible for the costs of maintaining and operating the county jail. The state provides limited reimbursement to counties for the retention of certain probation or parole violators. Under certain conditions, the DHSS pays the county for the maintenance of probationers and parolees who were placed on that status in connection with a felony conviction and are placed in county jails pending disposition of revocation proceedings [s. 53.33 (2) (a), Stats.]. The reimbursement rate is $30 per person per day, subject to a limit of $400,000 for each year of the 1985-87 biennium. If the annual appropriation is insufficient to provide complete reimbursement at that rate, the DHSS shall prorate the payments to counties for that fiscal year [s. 53.33 (2) (a) 3, Stats.].

In 1985, the DHSS established a Jail Advisory Committee to advise the DOC on its use of county jails. The Committee submitted to DHSS a proposal for a grant program that would fund county pilot programs in three areas recommended by the Jail Advisory Committee:

1. State and county funding for supervised pretrial release programs to provide community supervision by DOC probation and parole agents for individuals who would otherwise await their trials in county jails;

2. One-time state funding for training for jail screening: programs to provide training to county jail staff in how to establish and implement procedures for screening inmates for mental health, developmental disability, substance abuse and health problems and for making appropriate referrals for assistance; and

3. One-time state funding for jail diversion programs for counties to explore possible alternatives to detaining inmates serving sentences or in pretrial detention in county jails.

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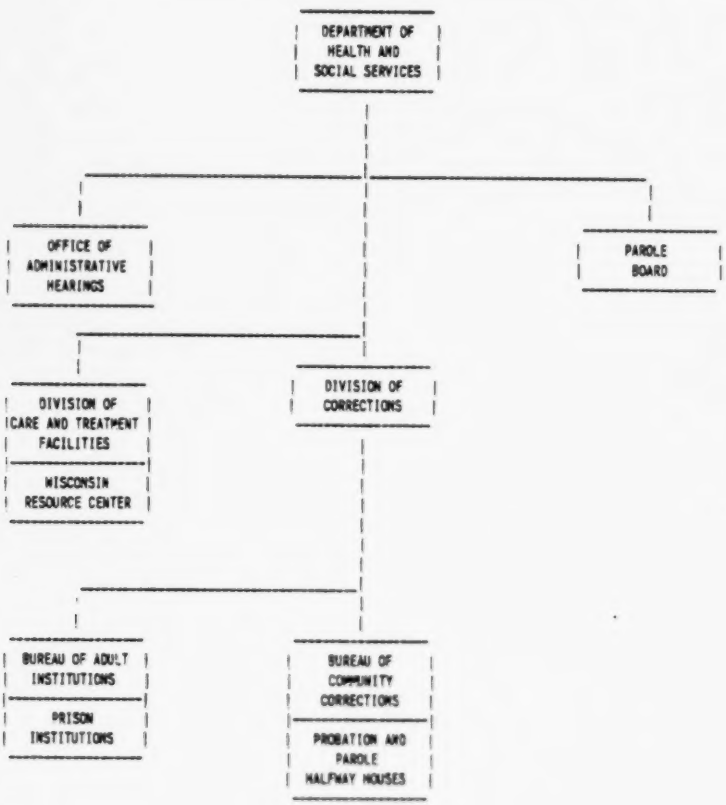
APPENDIX A

ORGANIZATIONAL CHART OF PRISON SYSTEM AND CORRECTION SYSTEM FUNCTIONS

ORGANIZATIONAL CHART OF PRISON SYSTEM AND CORRECTION SYSTEM FUNCTIONS



APPENDIX B

SECTION HSS 302.14, WISCONSIN ADMINISTRATIVE CODE

(CRITERIA FOR SECURITY CLASSIFICATION)

SECTION HSS 302.14, WISCONSIN ADMINISTRATIVE CODE

(CRITERIA FOR SECURITY CLASSIFICATION)

HSS 302.14 Criteria for security classification. The criteria for assigning a security classification shall include only the following:

(1) The nature of the offense of which the resident was convicted. Evaluation of the seriousness of the offense may include consideration of the following:

(a) Physical danger to another by the offense;

(b) Harm done to another in the commission of the offense;

(c) Whether the offender exhibited physical aggressiveness that exposed another to harm;

(d) Whether the crime was a crime against property;

(e) Mitigating factors.

(2) The criminal record of the resident;

(3) The length of sentence being served;

(4) The motivation for the crime of which the resident was convicted;

(5) The resident's attitude toward the offense and sentence;

(6) The resident's vulnerability to physical assault by other residents;

(7) The resident's prior record of adjustment in a correctional setting, including any record of escape;

(8) The length of time the resident has been in a particular security classification and institution;

(9) The medical needs of the resident, including the need for physical or psychological treatment;

(10) Time already served for the offense;

(11) The reaction to the resident in the community where the offense was committed, and where the institution is located;

(12) The resident's conduct and adjustment in the general population;

(13) The resident's performance in programs; and

(14) Detainers filed with respect to the resident. A detainer shall not by itself bar a resident from receiving a medium or minimum security classification. If a detainer is to be considered in giving a resident a security classification:

(a) The registrar shall inform the resident and the resident's social worker of the detainer;

(b) The registrar shall inform the authority which has filed the detainer of the offense for which the resident is confined and the resident's sentence;

(c) The resident's social worker shall make reasonable efforts to find out from the authority which has filed the detainer the reasons for filing the detainer, the underlying facts upon which the detainer is based, and the evidence of those facts;

(d) The resident's social worker shall make available, with the resident's permission, to the authority which filed the detainer any information useful in determining whether the detainer should be maintained;

(e) The resident's social worker shall inform the resident of all information acquired and given pursuant to paragraphs (b), (c), and (d);

(f) The resident shall be given the opportunity to place on file and before anyone considering the detainer additional facts or facts contrary to those acquired and placed on file;

(g) The extent to which the detainer is relied on and the reasons for relying on it shall be given to the resident in writing.

APPENDIX C

SECTION HSS 30.05, WISCONSIN ADMINISTRATIVE CODE

(CRITERIA FOR A GRANT OF PAROLE BY THE PAROLE BOARD)

SECTION HSS 30.05, WISCONSIN ADMINISTRATIVE CODE

(CRITERIA FOR A GRANT OF PAROLE BY THE PAROLE BOARD)

HSS 30.05 (7) A recommendation for parole and a grant of parole shall be made only after the inmate has:

(a) Become parole-eligible under s. 57.06, Stats., and s. HSS 30.04;

(b) Served sufficient time for punishment, considering the nature and severity of the offense;

(c) Demonstrated satisfactory adjustment to the institution and program participation at the institution;

(d) Developed an adequate parole plan; and

(e) Reached a point at which, in the judgment of the board, discretionary parole would not pose an unreasonable risk to the public.

APPENDIX D

RISK SCALE AND NEED SCALE FOR CLASSIFYING PROBATIONERS AND PAROLEES

RISK SCALE AND NEED SCALE FOR

CLASSIFYING PROBATIONERS AND PAROLEES

Department of Health and Social Services
Division of Corrections
DOC-502 (Rev. 9/80)

State of Wisconsin

ADMISSION TO ADULT FIELD CASELOAD
ASSESSMENT OF CLIENT RISK

Client Name Last	First	MI	Case Number
Probation Control Date or Institution Release Date (Month, Day, Year)	Agent Last Name		Area Number

Select the appropriate answer and enter the associated weight in the score column. Total all scores to arrive at the risk assessment score.

			SCORE
Number of Address Changes in Last 12 Months: (Prior to incarceration for parolees)	0 2 3	None One Two or more	____
Percentage of Time Employed in Last 12 Months: (Prior to incarceration for parolees)	0 1 2 0	60% or more 40% - 59% Under 40% Not applicable	____
Alcohol Usage Problems: (Prior to incarceration for parolees)	0 2 4	No interference with functioning Occasional abuse; some disruption of functioning Frequent abuse; serious disruption; needs treatment	____
Other Drug Usage Problems: (Prior to incarceration for parolees)	0 1 2	No interference with functioning Occasional abuse; some disruption of functioning Frequent abuse; serious disruption; needs treatment	____
Attitude:	0 3 5	Motivated to change; receptive to assistance Dependent or unwilling to accept responsibility Rationalizes behavior; negative; not motivated to change	____
Age at First Conviction: (or Juvenile Adjudication)	0 2 4	24 or older 20 - 23 19 or younger	____
Number of Prior Periods of Probation/Parole Supervision: (Adult or Juvenile)	0 4	None One or more	____
Number of Prior Probation/Parole Revocations: (Adult or Juvenile)	0 4	None One or more	____
Number of Prior Felony Convictions: (or Juvenile Adjudications)	0 2 4	None One Two or more	____
Convictions or Juvenile Adjudications for: (Select applicable and add for score. Do not exceed a total of 5. Include current offense.)	2 3	Burglary, theft, auto theft, or robbery Worthless checks or forgery	____
Conviction or Juvenile Adjudication for Assaultive Offense within Last Five Years: (An offense which involves the use of a weapon, physical force or the threat of force)	15 0	Yes No	____
		TOTAL	____

Department of Health and Social Services
Division of Corrections
DOC-502a (Rev. 9/80)

State of Wisconsin

ADMISSION TO ADULT FIELD CASELOAD
ASSESSMENT OF CLIENT NEEDS

Client Name (Last, First, MI)		Case Number
		A
Probation Control Date or Institution Release Date (Month, Day, Year)	Agent Last Name	Area Number

Select the appropriate answer and enter the associated weight in the score column. Higher numbers indicate more severe problems. Total all scores. If client is to be referred to a community resource or to clinical services, check appropriate referral box.

								REFERRAL	SCORE
ACADEMIC/VOCATIONAL SKILLS									
−1	High school or above skill level	0	Adequate skills; able to handle everyday requirements	+2	Low skill level causing minor adjustment problems	+4	Minimal skill level causing serious adjustment problems	☐	____
EMPLOYMENT									
−1	Satisfactory employment for one year or longer	0	Secure employment; no difficulties reported; or homemaker, student or retired	+3	Unsatisfactory employment; or unemployed but has adequate job skills	+6	Unemployed and virtually unemployable; needs training	☐	____
FINANCIAL MANAGEMENT									
−1	Long-standing pattern of self-sufficiency; e.g., good credit rating	0	No current difficulties	+3	Situational or minor difficulties	+5	Severe difficulties; may include garnishment, bad checks or bankruptcy	☐	____
MARITAL/FAMILY RELATIONSHIPS									
−1	Relationships and support exceptionally strong	0	Relatively stable relationships	+3	Some disorganization or stress but potential for improvement	+5	Major disorganization or stress	☐	____
COMPANIONS									
−1	Good support and influence	0	No adverse relationships	+2	Associations with occasional negative results	+4	Associations almost completely negative	☐	____
EMOTIONAL STABILITY									
−2	Exceptionally well adjusted; accepts responsibility for actions	0	No symptoms of emotional instability; appropriate emotional responses	+4	Symptoms limit but do not prohibit adequate functioning; e.g., excessive anxiety	+7	Symptoms prohibit adequate functioning; e.g., lashes out or retreats into self	☐	____
ALCOHOL USAGE									
		0	No interference with functioning	+3	Occasional abuse; some disruption of functioning	+6	Frequent abuse; serious disruption; needs treatment	☐	____
OTHER DRUG USAGE									
		0	No interference with functioning	+3	Occasional substance abuse; some disruption of functioning	+5	Frequent substance abuse; serious disruption; needs treatment	☐	____
MENTAL ABILITY									
		0	Able to function independently	+3	Some need for assistance; potential for adequate adjustment; mild retardation	+6	Deficiencies severely limit independent functioning; moderate retardation	☐	____
HEALTH									
		0	Sound physical health; seldom ill	+1	Handicap or illness interferes with functioning on a recurring basis	+2	Serious handicap or chronic illness; needs frequent medical care	☐	____
SEXUAL BEHAVIOR									
		0	No apparent dysfunction	+3	Real or perceived situational or minor problems	+5	Real or perceived chronic or severe problems	☐	____
AGENT'S IMPRESSION OF CLIENT'S NEEDS									
−1	Minimum	0	Low	+3	Medium	+5	Maximum		____

TOTAL ____

APPENDIX E

DIRECTORY OF RESOURCES FOR WOMEN OFFENDERS

DIRECTORY OF RESOURCES FOR WOMEN OFFENDERS

REGION I

Dane County

A. ARC House

Program Description: Halfway house for female correctional cases, primarily funded by DOC. Females usually are in residence for approximately six months, but the period of time varies with client's needs. Residential program focuses on in-house treatment with heavy use of community agencies for such things as job training, health issues, etc. Young children are sometimes accepted and there is also a follow-up program.

DOC Contact: Liaison Agent Debbie Stuczynski, (608) 267-2299

Agency Contact: 2801 International Lane, Madison, (608) 249-5312

B. Rape Crisis

Program Description: Provides advocacy and short term counseling for victims of sexual assault, community education and outreach. Also some counseling for family members of victims is available.

DOC Contact: Dan Nevers, (608) 266-7833

Agency Contact: Deborah Ptak, 312 E. Wilson Street, Madison, WI 53703, (608) 251-7273

C. Oasis

Program Description: Innovative program for group treatment of incest perpetrators, victims and families.

DOC Contact: Dan Nevers, (608) 266-7833

Agency Contact: Kathy Staecker, 1506 Madison, Madison, WI, (608) 251-9464;

D. Parental Stress Center

Program Description: Parent agency of Oasis; "Hot Line" for parents who may or do abuse their children; peer counseling.

DOC Contact: Dan Nevers, (608) 266-7833

Agency Contact: Kathy Staecker, 1506 Madison, Madison, WI, (608) 251-9464; (608) 251-2266 (Hot Line)

E. Dane County Advocates for Battered Women

Program Description: Counseling, shelter facility for women and children; advocacy through legal process.

DOC Contact: Dan Nevers, (608) 266-7833

Agency Contact: P.O. Box 1145, Madison, WI 53701

Business Phone: (608) 251-1237

Shelter/Crisis Phone: (608) 251-4445

F. Family Services

Program Description: A program of counseling teaching skill building, alternatives to agression for men and regular support groups for battered women and children.

DOC Contact: Dan Nevers, (608) 266-7833

Agency Contact: Darold Hanosa, 214 N. Hamilton, Madison, (608) 251-7611

G. Rebos House for Women

Program Description: Residential program for women with substance abuse problems.

DOC Contact: Dan Nevers, (608) 266-7833

Agency Contact: JoAnn Herling, 1903 University Avenue, Madison, WI, (608) 231-2360

H. Women's Transit Authority
Program Description: Transportation services.
DOC Contact: Dan Nevers, (608) 266-7833
Agency Contact: 306 N. Brooks, Madison, WI, (608) 256-3710

Columbia County

I. Columbia County Battered Women
Program Description: 24-hour crisis line, "safe homes" (women are placed in homes of private individuals), limited counseling, excellent advocacy with other agencies and community outreach. Some transportation and child care (e.g., to court).
DOC Contact: Dan Nevers, (608) 266-7833
Agency Contact: (414) 992-3662

J. AODA Counseling for Female Offenders
Program Description: Eight week group counseling sessions dealing with drug and alcohol issues with special emphasis geared toward female offenders.
DOC Contact: Dan Nevers, (608) 266-7833
Agency Contact: Dennis Petra, (608) 325-8424

REGION II

Kenosha County

A. Kenosha Youth Foundation - Emergency Housing
Program Description: Emergency housing, up to two weeks, and meals to be provided to two clients (male and female) on probation or parole. Clients will have access to all recreational facilities of the KYF with no additional cost to the Division.
DOC Contact: Sandra Sweney, Supervisor (414) 656-7154
Agency Contact: Director, Bill Houtz, 720-59th Place, Kenosha, WI 53141, (414) 654-2104

Kenosha and Walworth Counties

B. Catholic Social Services
Program Description:
Financial Debt - Racine and Kenosha - Provide instructional services in the areas of financial and debt counseling, consumerism, nutrition, home organization, child-care skills, personal hygiene, and advocacy.
Skill Building - Racine only - Two weeks of stress management; two weeks of confidence building; two weeks of straight thinking; and, two weeks of assertion.
DOC Contact: Racine: Paul Zimmerman, Supervisor (414) 636-3614
Kenosha: Sandra Sweney, Supervisor (414) 656-7154
Agency Contact: Director, Brian Cain; Counselor, Jean Rizzo, 2711- 19th Street, Racine, WI 53403, (414) 637-8883

C. Insight - Group Counseling
Program Description: Provides a unique self-discipline training program. The group method consists of group counseling techniques designed to enable group members to accept responsibility for themselves through self-control and self-leadership.
DOC Contact: Kenosha - Sandry Sweney, Supervisor (414) 656-7154
Elkhorn - Sig Gunderson, Supervisor, (414) 741-4275
Agency Contact: Director, Erv Heinzelmann; Jean McLaughlin, Program Coordinator, 414 W. Moreland Blvd., Room 107, Waukesha, WI 53186, (414) 554-5431

Waukesha County

D. Volunteers in Probation - Financial and Debt & Community Service Orders
Program Description: Approximately 25 ongoing referrals with an emphasis on volunteers and community service orders. If referrals are low additional hours of debt counseling will be provided by volunteers.
DOC Contact: David Wagner, Supervisor (414) 521-5139
Agency Contact: Director, Erv Heinzelmann; Jean McLaughlin, Program Coordinator, 414 W. Moreland Blvd., Room 107, Waukesha, WI 53186 (414) 544-5431

Walworth County

E. Association for Prevention of Family Violence
Program Description: Provides services to physically abused individuals, free counseling, referrals to other agencies, emergency shelter referral, assistance in obtaining restraining orders, battered womens support groups, etc.
DOC Contact: Agent Michael Franzene, BCC - Elkhorn, WI, (414) 741-4275.
Agency Contact: Courthouse Annex, Room 202, P.O. Box 1007, Elkhorn, WI 53121, (414) 723-4653

Racine County

F. Domestic Violence Programming
DOC Contact: Agent Donna Phelps, BCC Office, Racine, WI (414) 636-3568.

G. SCAN (Sexual Assault Problems)
DOC Contact: Agent Donna Phelps, BCC Office, Racine, WI (414) 636-3568.

REGION III

Milwaukee County

A. United Migrant Opportunity Services
Program Description: Through a purchase of service contract, UMOS will place 35 correctional clients in full time unsubsidized employment; provide employment counseling and job referrals to a minimum of 75 correctional clients; place 10 correctional clients in on-the-job training programs; disseminate labor market information to 75 correctional clients; and, provide job placement follow-ups with employer and employee in order to facilitate job retention.
DOC Contact: Lionel James, Milwaukee Regional Services Coordinator (414) 224-4582.
Agency Contact: Juan Castillo, 809 W. Greenfield Avenue, Milwaukee, WI 53204, (414) 671-5700.

B. Community Service Orders
Program Description: Community service orders entail the placement of offenders in unpaid community service work for one of two reasons. One reason is for an offender with a limited work history to have a positive work experience. The second reason is to repay court costs, fines and attorney fees through community service work.
DOC Contact: Lionel James, Milwaukee Regional Services Coordinator. (414) 224-4582.
Agency Contact: Mary Rose, Wisconsin Correctional Services, 436 W. Wisconsin Ave., Milwaukee, WI 53203, (414) 271-2512

C. Welfare Fraud Community Service Order Project
Program Description: The benefits of this program are twofold. First, day care is provided by female offenders convicted of welfare fraud. The day care services provided are the community services orders which fulfill the restitution requirement. The second benefit is that the community service order provides free day care for women who are employed or in school.
DOC Contact: Dennis Danner, Special Projects Unit Supervisor, (414) 265-7728.

D. Employment Pilot Project
Program Description: Under the direction of the Milwaukee Region Employment Coordinator, a work group composed of BCC staff will coordinate existing vocational and employment services to service the correctional client. The work group will also develop services to facilitate correctional client placement in the work force.
DOC Contact: Jean Phelan, Milwaukee Region Employment Coordinator, (414) 224-4544.

E. Community Advocates
Program Description: Since 8/1/78, the Milwaukee region has purchased services from this agency to provide problem-solving and advocacy service to probation and parole clients in the Milwaukee area. This service includes: Tenant/landlord and other housing problems; income maintainence programs such as Welfare, Social Security, Unemployment Compensation and so forth; and consumer problems with businesses and companies.
DOC Contact: Lionel James, Milwaukee Regional Services Coordinator (414) 224-4582.
Agency Contact: Ramon Wagner, Director, 3517 W. Burleigh St., Miwaukee, WI 53210 (414) 873-1521.

F. Volunteers in Probation
Program Description: VIP is a program of community involvement which assigns trained adult volunteers to a variety of direct service roles in the criminal justice system. Through a purchase of service contract volunteers, under the direction of an agent, work one-on-one with clients, provide escort services for pre-release centers, tutor, provide budget counselling and facilitate support groups.
DOC Contact: Lionel James, Milwaukee Regional Services Coordinator (414) 224-4582.
Agency Contact: Andrea Whidbee, Wisconsin Correctional Services, 436 W. Wisconsin Avenue, Milwaukee, WI 53203 (414) 271-2512.

G. Prostitution Support Group
Program Description: Agent Todd Zangl of the Special Projects Unit coordinates entry of clients into this group which is fcailitated by the director of Project Return. The focus of the group is improving self image, examining male-female relationships and other issues. Although it is a small step towards working in a positive way with a segment of our population, the acceptance of the group by clients and by agents has been encouraging during this first year of its existence. The group can handle eight women at a time as it conducts its series of workshops and provides ongoing support.
DOC Contact: Todd Zangl, Probation and Parole Agent (414) 265-7716

H. Alternative to Revocation Program

Program Description: The ATR placement for women is located at the Women's Correctional Center. The program provides a structured, secure alternative to revocation for the female offender. Since its inception, the program has been generally viewed as successful in meeting the goal of deterring those cases not requiring a more secure setting.

DOC Contact: Allan Kasprzak, Deputy Regional Chief (414) 224-4517.

Agency Contact: Alice Staples, Superintendent, Women's Correctional Center, 525 N. 17th St., Milwaukee, WI 53233 (414) 224-2963.

I. Horizon House

Program Description: Horizon House is a contracted eight bed halfway house for female offenders. It was established in the late 1960's as a residential program for individual and group counseling of women, a facility to provide job and educational assistance, parental skills and to facilitate the transition to independent living. In the most current contract period, occupancy has been at or above 87% during most months.

DOC Contact: Lionel James, Milwaukee Regional Services Coordinator (414) 224-4582.

Agency Contact: Al Baron, Director, 1869 N. 25th Street, Milwaukee, WI 53205 (414) 342-3237.

J. Drug Units

Program Description: There are two units in Region III that supervise clients with drug abuse histories and/or clients on supervision for delivery of controlled substances. The region has purchased urine screening from Bayshore Laboratories which can detect both alcohol and drugs in the client's system. This is available to agents in other units as well, as abusers may lack the drug history or have conviction unrelated to drug posession/delivery.

DOC Contact: William Rankin, Drug Unit Supervisor (414) 224-4544.

K. Mental Health Unit

Program Description: There is one mental health unit in Region III that supervises clients who are: 1) placed on conditional release by the courts; 2) on anti-psychotic medications; 3) involved with WCS-mental health unit prior to conviction; 4) ordered to unit by the courts; or 5) sex offenders. In addition to providing direct services to clients, these agents work closely with the courts, WCS, WRC and the County Mental Health Complex to find appropriate placements for clients in need of secure, confined treatment.

DOC Contact: Karl Held, Mental Health Unit Supervisor (414) 265-7731.

L. Developmental Disabilities Unit

Program Description: The agents in this unit supervise clients whose physical and/or mental incapacities interfere with daily living. Dr. Michael Vandenbrook is in Milwaukee at least once per week to perform psychological testing to determine clients' eligibility for community services as well as this unit. Agents in this unit provide direct services and work closely with the Division of Vocational Rehabilitation to place clients in educational and/or vocatioal programs.

DOC Contact: Dennis Danner, Special Projects Unit Supervisor (414) 265-7730.

REGION IV

Winnebago County

A. Valley Packaging Industries, Inc.
Program Description: Sheltered workshop for persons who should transition into the work force. On-the-job training and placement provided, 3-6 month duration.
DOC Contact: Dan Kelly, Assistant Regional Chief (414) 436-3415.
Agency Contact: Steve Zanskas, 1325 S. Perkins, Appleton, WI 54911.

REGION V

Eau Claire County

A. Refuge House
Program Description: A family shelter for victims of domestic abuse. Families from Eau Claire, Chippewa, Dunn, Clark, Pepin, Buffalo, Trempealeau, and Jackson Counties are eligible for referral to this regional center. Emergency transportation to the shelter will be provided as needed. There is a licensed day-care program on the premise for preschool children. School age children attend the closest school. Parenting skill groups and individual parenting counseling is available. Several support groups are offered weekly, but a victim of domestic abuse does not have to be a resident at Refuge House in order to join these groups. A sexual assault support group is also available. A 24 hour crisis telephone line is available seven days a week. A batterer's counseling group called NOVUS is available.
DOC Contact: Lawrence J. Liegel, Bureau of Community Corrections, Room 259 Courthouse, Eau Claire, WI 54703. (715) 836-3001. Agent Liegel is a member of the Refuge House Board of Directors.
Agency Contact: Melanie Redler, Executive Director of Refuge House, P.O. Box 482, Eau Claire, WI 54702. (715) 834-0628 or 834-9578.

B. Sexual Assault -- Spouses Support Group
Program Description: This open ended program provides support to the spouse or significant other of clients who are on supervision for sexual assault type offenses. This program runs in conjunction with a Perpetrators Group. The weekly two hour meetings provide group support so the spouses can help each other and at the same time information is provided regarding the legal system, probation and parole, community and victims' viewpoints, community resources, self concept, relationships, etc.
DOC Contact: Sonja A. Bjork/Judith H. Ramsey (715) 836-4971.

C. Reentry Services, Inc. St. Paul, MN
Program Description: Provides transitional non-therapeutic care and work-release services in a supervised residential environment. The program can house the female client's children.
DOC Contact: Conrad Hutterli (715) 836-5289.
Agency Contact: Bruce Clendenen (612) 227-6291.

REGION VI

Douglas County

A. Incest Perpetrators Group
Program Description: Child and adult sexual abuse and treatment program. Works with victims and spouses and perpetrators of incestuous relationships.
DOC Contact: Toni Johnson, Room 305, Courthouse, Superior, WI 54880 (715) 392-2944

Oneida County

B. Tri-County Council on Domestic Violence
Program Description: Services include domestic abuse counseling and shelter care for abused family members.
DOC Contact: Jerry Vandenberg, P.O. Box 1277, Rhinelander, WI 54501, (715) 369-1646
Agency Contact: Director Christine Clair, P.O. Box 233, Rhinelander, WI 54501, (715) 362-6841.

Marathon County

C. Battered Women and Spouses Treatment Group
Program Description: Co-sponsors include Wisconsin Childrens' Service Society, The Womens' Shelter Group and the BCC. Services include shelter care, counseling and treatment for those who abuse spouses and spouses who are abused.
DOC Contact: Greg Janicek, P.O. Box 1707, Wausau, WI 54401, (715) 847-5584

Wood County

D. Family Center, Inc.
Program Description: Shelter for abused women.
DOC Contact: Kathy King (board member and founder and is the liaison), P.O. Box 636, Wisconsin Rapids, WI 54494, (715) 421-2540.

E. Teen Challenge
Program Description: Substance abuse and abused women treatment and shelter.
DOC Contact: Allen Peterson, P.O. Box 636, Wisconsin Rapids, WI 54494 (715) 421-2540

F. Entrance Program
Program Description: Inpatient substance abuse as well as transitional living.
DOC Contact: John Werner, P.O. Box 636, Wisconsin Rapids, WI 54494 (715) 421-2540

Portage County

G. Woodview Manor
Program Description: Residential program for alcoholic women (being convered to co-ed)
DOC Contact: Gerry Hutnik, 1450 Strongs Avenue, Stevens Point, WI 54481 (715) 344-7165

376